



**U.S. Immigration  
and Customs  
Enforcement**

February 10, 2005

# News Release

## **NYPD TRAFFIC ENFORCEMENT AGENT ARRESTED** *Charged with making false statements in citizenship application*

NEW YORK- Martin Ficke, the Special Agent in Charge of the New York Office of Immigration and Customs Enforcement (ICE) of the United States Department of Homeland Security, and David N. Kelley, the United States Attorney for the Southern District of New York, announced today that Mostofa Kamal, 37, a/k/a "Shaheen Sardar", a citizen of Bangladesh, was arrested here by federal agents on a U.S. federal criminal Complaint charging him with making false statements under oath in his application to become a United States citizen.

Kamal allegedly denied under oath, in his application for naturalization, that he had previously been ordered deported from the United States under a different name.

According to a Complaint unsealed today in Manhattan federal court, in 1994, Mostofa Kamal applied for political asylum using the name "Shaheen Sardar." The asylum officer working for the now-defunct Immigration and Naturalization Service (INS) rejected his asylum request, ruling that the claim for asylum was not "credible."

"Sardar's" request for political asylum was referred to an Immigration Judge who held a hearing in May 1996. The immigration judge found him ineligible for any form of relief. Kamal (who still claimed to be "Shaheen Sardar") was ordered to depart the United States voluntarily on or before May 17, 1997.

According to the Complaint, "Sardar" failed to depart the United States as ordered. Instead, on or about April 1997, the defendant, now using the name Mostofa Kamal, applied to become a legal resident alien due to his marriage to a resident alien. The now-defunct INS denied that request on the ground that Kamal was likely to become of public charge because of his low financial means.

According to the Complaint, a fingerprint comparison of the fingerprints of "Shaheen Sardar" submitted in connection with "Sardar's" request for political asylum and the fingerprints

submitted by Kamal in connection with his application to become a legal resident showed that the fingerprints were made by one and the same person. In addition, the photograph that "Sardar" submitted in 1994 in connection with his application for political asylum matches the photograph that Kamal submitted in 1997 in connection with his application to become a legal resident.

According to the Complaint, on or about August 22, 2003, Citizenship and Immigration Services (CIS) received Mostofa Kamal's "Application for Naturalization". He was subsequently interviewed under oath by a CIS examiner in November 2004. Kamal falsely represented both in the application and during the interview that he had not previously been ordered "removed, excluded, or deported from the United States."

In addition, the Complaint alleges that Kamal falsely denied in the application and during the interview that he previously had used another name, or that he ever had given false or misleading information to U.S. government officials while applying for any immigration benefit.

Kamal is scheduled to go before United States Magistrate Judge James C. Francis, IV.

Mr. Kelley praised the efforts of Immigration and Customs Enforcement; the United States Marshals Service, Regional Fugitive Task Force; the Social Security Administration, Office of Inspector General; and the New York City Police Department, Internal Affairs Bureau, and said that the investigation is continuing.

If convicted, Kamal faces a maximum sentence of five years in prison and a \$250,000 fine. Assistant United States Attorney Marcus A. Asner is in charge of the prosecution.

The charges contained in the Complaint are merely accusations, and the defendant is presumed innocent unless and until proven guilty.

# ICE #

*U.S. Immigration and Customs Enforcement was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of five integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.*